

EIGHTH DAY

(Monday, January 25, 1971)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Message From the House

Hall of the House of Representatives
Austin, Texas,
January 25, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 13, In memory of former Representative Jack Keller.

H. C. R. No. 14, In memory of James Eric (Bill) Decker.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Concurrent Resolution 7

Senator Moore offered the following resolution:

S. C. R. No. 7, Requesting the Texas Education Agency to provide necessary resource-use education to deal with present-day environment and conservation problems and to report to the 63rd Legislature as to the nature and thoroughness of conservation education in Texas.

The resolution was read and was referred to the Committee on Education.

Co-author of Senate Bill 31

On motion of Senator Bates, and by unanimous consent, he will be shown as Co-author of S. B. No. 31.

Senate Bills and Resolution on First Reading

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

By Senators Jordan and Brooks:

S. B. No. 83, A bill to be entitled "An Act providing a duty-free lunch period for teachers actively engaged in the instruction of public school children, providing funds, providing that the duty-free lunch period shall not result in a lengthened school day; and declaring an emergency."

To Committee on Education.

By Senator Word:

S. B. No. 84, A bill to be entitled "An Act relating to authorizing the commissioners court in any county to establish a suboffice or branch office for the sale of license plates and collection of taxes; providing for compensation for tax assessor-collectors who attach license plates to vehicles; amending Section 11, Chapter 88, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-11, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator McKool:

S. B. No. 85, A bill to be entitled "An Act relating to the filing of a performance bond by a contractor or builder who makes improvements, repairs, or additions to a homestead and who secures a lien on the homestead; providing for execution of the bond by the principal and a surety company; prescribing the conditions

of the bond; providing for suit on the bond; requiring the filing of a new bond if the original bond is reduced by judgment against principal and surety; providing a penalty; providing that the provisions of the Act are cumulative of existing law and do not repeal Article 5472d, Title 90, Revised Civil Statutes of Texas, 1925; limiting the contracts to which the provisions of the Act shall apply; amending Chapter 2, Title 90, Revised Civil Statutes of Texas, 1925, as amended, by adding a new Article 5460a; and declaring an emergency."

To Committee on Jurisprudence.

By Senators Hall, Hightower, Word, McKool, Harris, Mauzy, Patman, Watson, Grover, Beckworth, Harrington, Bernal, Snelson, Bridges, Jordan, Kothmann, Wilson, Kennard, Brooks, and Sherman:

S. B. No. 86, A bill to be entitled "An Act establishing standards of conduct of officers and employees of state agencies, legislators, other elected officials, and legislative employees in the area of possible conflict between their private interests and official duties, establishing penalties for malfeasance, establishing a joint legislative Ethics Committee, setting rules for its formation, procedure, nature and scope of investigation, funding, powers, filing of complaints, hearings, records and decisions, and providing for advisory opinions, and declaring an emergency."

To Committee on State Affairs.

By Senator Creighton:

S. B. No. 87, A bill to be entitled "An Act amending Article 1994 of the Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Harrington:

S. B. No. 88, A bill to be entitled "An Act repealing certain laws authorizing counties to pay bounties for the destruction of animals; repealing Chapter 44, General Laws, Acts of the 39th Legislature, Regular Session, 1925, as last amended by Section 1, Chapter 572, Acts of the 47th Legislature, Regular Session, 1941; Chapter 35, Acts of the 41st Legislature, Regular Session, 1929; Chapter 107, Acts of the 41st Legislature, 1st

Called Session, 1929; Chapter 47, General Laws, Acts of the 41st Legislature, 4th Called Session, 1930; Chapter 48, General Laws, Acts of the 41st Legislature, 5th Called Session, 1930; Chapter 251, Acts of the 45th Legislature, Regular Session, 1937; Chapter 28, Acts of the 45th Legislature, 1st Called Session, 1937; Chapter 1, page 515, Special Laws, Acts of the 46th Legislature, 1939; Chapters 23 and 413, Acts of the 47th Legislature, Regular Session, 1941; Chapters 29, 59, and 105, Acts of the 49th Legislature, 1945; Chapter 332, Acts of the 55th Legislature, Regular Session, 1957; and Chapters 251 and 263, Acts of the 56th Legislature, Regular Session, 1959; and declaring an emergency."

To Committee on Parks and Wildlife.

By Senator Schwartz:

S. B. No. 89, A bill to be entitled "An Act relating to the term of office of Supervisors of the Bayview Municipal Utility District of Galveston County, Texas; amending Chapter 245, Acts of the 58th Legislature, 1963 (Article 8280-287, Vernon's Texas Civil Statutes), by adding Section 3A; and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator Snelson:

S. B. No. 90, A bill to be entitled "An Act amending Article 1430, Penal Code of Texas, 1925 and providing, under certain circumstances, for a presumption of knowledge on the part of a dealer that property received by him has been stolen; providing for definition of a dealer, and declaring an emergency."

To Committee on Jurisprudence.

By Senator Moore:

S. B. No. 91, A bill to be entitled "An Act authorizing all State Agencies and Institutions to make advance payments to Federal and State Agencies for merchandise purchased from such agencies when advance payments will expedite the delivery of the merchandise; and declaring an emergency."

To Committee on State Affairs.

By Senator Creighton:

S. B. No. 92, A bill to be entitled "An Act limiting the liability of lenders in respect to loss or damage oc-

casioned by defects in real or personal property designed, manufactured, constructed, repaired, modified or improved or the land and terrain on which it is located or the failure of the borrower to use due care in the selection, testing, design, manufacture, construction, repair, modification or improvement of real or personal property and the land and terrain on which it is located or is a part when the proceeds of the loan are used to finance such activity.

To Committee on Jurisprudence.

By Senator Wilson:

S. B. No. 93, A bill to be entitled "An Act amending Chapter 100, Acts of the 55th Legislature, Regular Session, 1957 (Article 6252-9, Vernon's Texas Civil Statutes), making additional requirements for reporting substantial interests of officers and employees of State agencies, legislators and legislative employees; prohibiting presentation of facts or argument to an administrative agency of this State except under conditions as herein provided; prohibiting officers and agents of a State agency from making investments causing a conflict of interests and further defining same; prohibiting a Member of the Legislature from introducing or causing to be introduced proposed legislation which affects directly a client or employer of such Member; providing for an annual disclosure statement by all members of the Texas Legislature; providing for disclosure by legislators representing clients for compensation before a state agency; and declaring an emergency."

To Committee on State Affairs.

By Senator Harris:

S. B. No. 94, A bill to be entitled "An Act amending Subsection (c) of Section 140, Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes); amending Subsection (b) of Section 142, Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes); relating to requiring reinspection of a motor vehicle, trailer, semitrailer, pole trailer, or mobile home after damage to the vehicle to the apparent extent of \$100 or more; and declaring an emergency."

To Committee on Jurisprudence.

By Senators Mauzy, Wallace, Kothmann, Jordan, Herring, McKool, Watson, Hall, Harrington, Bates, Brooks,

Bernal, Schwartz, Kennard, Bridges and Beckworth:

S. B. No. 95, A bill to be entitled "An Act relating to voter registration and participation in political party activities; containing penal provisions; amending the Texas Election Code as follows: amending Subsections (1) and (2), Section 45a (Article 5.13a, Vernon's Texas Election Code); amending Section 46a (Article 5.14a); amending Section 47a (Article 5.15a); amending Subsection (1), Section 51a (Article 5.19a); amending Section 52a (Article 5.20a); and amending Subsections (1), (4), (5), and (6), and repealing Subsections (7) and (8), Section 179a, as amended (Article 13.01a); repealing Article 240, Penal Code of Texas, 1925, as amended; and declaring an emergency."

To Committee on Privileges and Elections.

By Senators Brooks, Jordan, Wallace, Bernal, Grover and Aikin:

S. B. No. 96, A bill to be entitled "An Act amending Subsection (c), Section 4.02, Chapter 470, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 2922-4.02, Vernon's Texas Civil Statutes), relating to interest on accumulated contributions; and declaring an emergency."

To Committee on Education.

By Senator Patman:

S. B. No. 97, A bill to be entitled "An Act amending Section 4.23 of the Texas Education Code, Chapter 889, Acts of the Regular Session of the 61st Legislature; and declaring an emergency."

To Committee on Education.

By Senator Brooks:

S. B. No. 98, A bill to be entitled "An Act relating to the establishment, organization, and control of the University of Houston at Clear Lake City; and declaring an emergency."

To Committee on Education.

By Senator Creighton:

S. B. No. 99, A bill to be entitled "An Act prescribing certain duties of clerks of courts of civil appeals with reference to the filing, recording, and preservation of the records and proceedings of the court; authorizing the destruction of records filed in the court in connection with a case which

has been fully disposed of for a period of 10 years; reenacting Article 1831, Revised Civil Statutes of Texas, 1925, as amended by Chapter 263, Acts of the 41st Legislature, Regular Session, 1929, to cure a constitutional defect in the caption; and declaring an emergency."

To Committee on Jurisprudence.

By Senator McKool:

S. J. R. No. 12, Proposing a constitutional amendment to provide for an orderly transition in the office of the governor by authorizing certain funds to be appropriated for the use of a new governor-elect.

To Committee on Constitutional Amendments.

Presentation of Guests

The President Pro Tempore recognized Senator Kennard, who requested permission to proceed to the President's Rostrum with David Hall, Texas Easter Seal Poster Child.

There was no objection offered.

The President Pro Tempore announced the appointment of the following committee to escort David Hall and his party to the President's Rostrum: Senators Herring, Creighton, Kennard and Wallace.

The President Pro Tempore presented David Hall and his parents, Mr. and Mrs. Frank Hall, to the Members of the Senate.

The President Pro Tempore then presented Mr. Bob Scott, Tarrant County Chairman of the Texas Society for Crippled Children, who addressed the Senate, expressing the appreciation of the 21,000 crippled children and adults who have benefited from the purchase by Texas citizens of one million dollars in Easter Seals.

The Members of the Senate gave David Hall a standing ovation.

House Concurrent Resolution 13 on Second Reading

The President Pro Tempore laid before the Senate the following resolution:

H. C. R. No. 13, Memorial resolution for Jack Keller.

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Herring, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Aikin and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.

House Concurrent Resolution 14 on Second Reading

The President Pro Tempore laid before the Senate the following resolution:

H. C. R. No. 14, Memorial resolution for James Eric (Bill) Decker.

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Herring, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Aikin and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Mauzy the resolution was adopted by a rising vote of the Senate.

(President in Chair.)

Senate Joint Resolution 5 on Second Reading

The President laid before the Senate as an emergency matter on its second reading and passage to engrossment:

S. J. R. No. 5, Proposing an amendment to Article III, Section 51-a, of

the Texas Constitution, authorizing the Legislature to enact legislation and appropriate funds for assistance grants, medical care, and rehabilitation services for needy individuals and families.

The resolution was read second time.

Senator Connally offered the following amendment to the resolution:

In S. J. R. No. 5, on line 18, following "other services," insert a comma and substitute through line 21 the following language: "provided that they are included in the federal laws as they now read or as they may hereafter be amended. These programs are designed to assist:

(1) Needy aged persons who are citizens of the United States or non-citizens who shall have resided within the boundaries of the United States for at least twenty-five (25) years;

(2) Needy individuals who are totally and permanently disabled by reason of a mental or physical handicap or a combination of physical and mental handicaps;

(3) Needy blind persons;

(4) Needy dependent children and the caretakers of such children.

The legislature may prescribe such other eligibility requirements as it deems appropriate."

On line 29 following the word "amended," change the period to a semicolon and insert the following clauses:

"provided, that the maximum amount paid out of State funds to or on behalf of any needy person shall not exceed the amount that is matchable out of federal funds; provided that the total amount of such assistance payments only out of State funds on behalf of such individuals shall not exceed the amount of One Hundred and Ten Million Dollars (\$110,000) during any fiscal year."

The amendment was read.

Senator Wilson moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—19

Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Bridges	Moore
Brooks	Schwartz
Christie	Sherman
Harrington	Wallace
Hightower	Watson
Jordan	Wilson
Kennard	

Nays—12

Aikin	Harris
Blanchard	Herring
Connally	Patman
Creighton	Ratliff
Grover	Snelson
Hall	Word

Senator Sherman offered the following amendment to the resolution:

Amend Senate Joint Resolution No. 5 by striking all below the Resolving Clause and inserting in lieu thereof the following:

Section 1. That Section 51-a of Article III of the Constitution of the State of Texas be amended, and the same is hereby amended so as to read as follows:

Section 51-a. The legislature shall have the power, by General Laws, to provide, subject to limitations herein contained, and such other limitations, restrictions and regulations as may by the Legislature be deemed expedient, for assistance grants to and/or medical care for, and for rehabilitation and any other services included in the Federal legislation authorizing matching funds to help such families and individuals attain or retain capability for independence or self-care, and for the payment of assistance grants to and/or medical care for, and for rehabilitation and other services for:

(1) Needy aged persons;

(2) Needy individuals who are totally and permanently disabled by reason of a mental or physical handicap or a combination of physical and mental handicaps;

(3) Needy blind persons;

(4) Needy dependent children and the caretakers of such children.

The Legislature may prescribe the eligibility requirements for participation in these programs.

The Legislature shall have authority to enact appropriate legislation

which will enable the State of Texas to cooperate with the Government of the United States in providing assistance grants to and/or medical care on behalf of needy persons, and in providing rehabilitation and any other services included in the Federal legislation authorizing matching funds to help such families and individuals attain or retain capability for independence or self-care and to accept and expend funds from the Government of the United States for such purposes in accordance with the laws of the United States, as they now are or as they may hereafter be amended, and to make appropriations out of State funds in such amounts as may be necessary and deemed appropriate by the Legislature for such purposes; provided that the maximum amount paid out of State funds to or on behalf of any individual recipient shall not exceed the amount that is matchable out of Federal funds; provided that the total amount of such assistance payments and/or medical assistance payments out of State funds on behalf of such recipients shall not exceed the amount that is matchable out of Federal funds.

Provided, further, that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate Federal statutes as they now are or as they may be amended, to the extent that Federal matching money is not available to the State for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such Federal matching money will be available for assistance and/or medical care for or on behalf of needy persons.

Nothing in this Section shall be construed to amend, modify or repeal Section 31 of Article XVI of this Constitution; provided further, however, that such medical care, services or assistance shall also include the employment of objective or subjective means, without the use of drugs, for the purpose of ascertaining and measuring the powers of vision of the human eye, and fitting lenses or prisms to correct or remedy any defect or abnormal condition of vision. Nothing herein shall be construed to permit optometrists to treat the eyes for any defect whatsoever in any manner nor to administer nor to prescribe any drug or physical treat-

ment whatsoever, unless such optometrist is a regularly licensed physician or surgeon under the laws of this state.

Section 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the expiration of 100 days from the date on which this Resolution is filed with the Secretary of State, at which election the ballots shall be printed to provide for voting "FOR" or "AGAINST" the proposition:

The Constitutional Amendment providing for assistance to and/or medical care on behalf of the needy aged, the needy blind, the needy disabled, and the needy dependent children and their caretakers; authorizing the State of Texas to cooperate with the Government of the United States in providing such assistance to and/or medical care on behalf of such needy persons and to accept and expend funds available from the Government of the United States; authorizing the Legislature to make appropriations out of State funds in such amounts as may be necessary and deemed appropriate by the Legislature for such purposes; and authorizing the Legislature to enact such laws as may be necessary in order that federal matching money will be available for assistance and/or medical care.

SHERMAN
SNELSON

The amendment was read and was adopted.

Senator Moore offered the following amendment to the resolution:

Amend Senate Joint Resolution No. 5 by striking all below the Resolving Clause and inserting in lieu thereof the following:

Section 1. That Article III of the Constitution of the State of Texas be amended by adding a new Section 51-b, and the same is hereby amended so as to read as follows:

Section 51-b. The limitations and restrictions contained in Article III, Section 51-a of the Texas Constitution on the expenditure of State funds for Public Assistance purposes shall not apply to or restrict or limit the Legislature in providing State funds for the payment of assistance grants to recipients of Old Age Assistance, Aid to the Blind, and Aid to the Permanently and Totally Disabled.

All other provisions of Section 51-a, with the exception of the Old Age Assistance citizenship provision, including but not limited to the authority to provide medical care on behalf of recipients of Old Age Assistance, Aid to the Blind and Aid to the Permanently and Totally Disabled, shall continue in full force and effect.

The Legislature shall have authority to prescribe eligibility requirements for participation in the Old Age Assistance, Aid to the Blind and Aid to the Permanently and Totally Disabled programs and shall have the authority to appropriate State funds which will enable the State of Texas to cooperate with the Government of the United States in providing grants to and/or medical care on behalf of such needy individuals.

Section 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the expiration of 100 days from the date on which this Resolution is filed with the Secretary of State, at which election the ballots shall be printed to provide for voting "FOR" or "AGAINST" the proposition:

The Constitutional Amendment adding a new Section 51-b removing the Old Age Assistance, Aid to the Blind and Aid to the Permanently and Totally Disabled programs from the limitations and restrictions on the expenditure of State funds as provided in Section 51-a of Article III and authorizing the Legislature to provide assistance grants to and/or medical care on behalf of such needy individuals.

The amendment was read.

Question—Shall the amendment by Senator Moore to S. J. R. No. 5 be adopted?

Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

H. C. R. No. 9.

H. C. R. No. 10.

Recess

On motion of Senator Aikin the Senate at 12:09 o'clock p.m. took recess until 1:30 o'clock p.m. today.

After Recess

The President called the Senate to order at 1:30 o'clock p.m.

Leave of Absence

Senator Word was granted leave of absence for the remainder of today on account of important business on motion of Senator Hall.

Senate Joint Resolution 5 on Second Reading

The Senate resumed the consideration of pending business, same being S. J. R. No. 5 on its second reading with an amendment by Senator Moore pending.

Question—Shall the amendment by Senator Moore to S. J. R. No. 5 be adopted?

On motion of Senator Moore, and by unanimous consent, the pending amendment was withdrawn.

On motion of Senator Sherman, and by unanimous consent, the vote by which amendment number one to S. J. R. No. 5 was adopted was reconsidered.

Question—Shall the amendment be adopted?

Senator Moore offered the following amendment to the pending amendment:

Amend the pending Sherman amendment by adding the following Section 2 and renumbering the succeeding sections to conform:

Section 2. That Article III of the Constitution of the State of Texas be amended by adding a new Section 51-b, and the same is hereby amended so as to read as follows:

Section 51-b. The limitations and restrictions contained in Article III, Section 51-a of the Texas Constitution on the expenditure of State funds for Public Assistance purposes shall not apply to or restrict or limit the Legislature in providing State Funds for the payment of assistance grants to recipients of Old Age Assistance, Aid to the Blind, and Aid to the Permanently and Totally Disabled.

All other provisions of Section 51-a, with the exception of the Old Age Assistance citizenship provision, in-

cluding but not limited to the authority to provide medical care on behalf of recipients of Old Age Assistance, Aid to the Blind and Aid to the Permanently and Totally Disabled, shall continue in full force and effect.

The Legislature shall have authority to prescribe eligibility requirements for participation in the Old Age Assistance, Aid to the Blind and Aid to the Totally Permanently and Totally Disabled programs and shall have the authority to appropriate State funds which will enable the State of Texas to cooperate with the Government of the United States in providing grants to and/or medical care on behalf of such needy individuals.

The amendment to the pending amendment was read and was adopted.

Record of Votes

Senators Grover and Connally asked to be recorded as voting "Nay" on the adoption of the above amendment to the pending amendment.

Question—Shall the amendment by Senator Sherman, as amended, be adopted?

Senate Concurrent Resolution 6 Ordered Printed

On motion of Senator Brooks, and by unanimous consent, S. C. R. No. 6 will be printed in the Senate Journal.

Committee on Nominations Granted Permission to Meet While Senate in Session

On motion of Senator Christie, and by unanimous consent, the Committee on Nominations was granted permission to meet while the Senate was in session.

At Ease

The President announced the Senate would Stand At Ease at 1:40 o'clock p.m., Subject to the Call of the Chair.

In Legislative Session

The President called the Senate to order as In Legislative Session at 1:45 o'clock p.m.

Senate Joint Resolution 5 on Second Reading

The Senate resumed the consideration of pending business, same being S. J. R. No. 5 on its second reading with an amendment by Senator Sherman pending.

Question—Shall the amendment by Senator Sherman, as amended, be adopted?

Senator Blanchard offered the following amendment to the pending amendment:

Amend S. J. R. 5 by adding a new section to be numbered "Section 5" of Sec. 1, Sub. Sec. 51-a and renumbering the succeeding paragraphs accordingly:

Sec. 5. The Legislature shall pass legislation to provide that all recipients of funds for Aid to Families with Dependent Children shall file a monthly accounting under oath of those funds expended by them with the Department of Public Welfare which shall clearly set forth the purposes for which such sums were expended.

The amendment was read.

Senator Mauzy moved to table the amendment.

Question on the motion to table. "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

Yeas—21

Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Christie	Moore
Creighton	Patman
Hall	Schwartz
Harrington	Wallace
Herring	Watson
Hightower	Wilson
Jordan	

Nays—9

Aikin	Harris
Blanchard	Ratliff
Brooks	Sherman
Connally	Snelson
Grover	

Absent—Excused

Word

The amendment, as amended, was then adopted.

On motion of Senator Moore and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment.

Record of Votes

Senators Grover and Connally asked to be recorded as voting "Nay" on the passage of the resolution to engrossment.

Senate Joint Resolution 5 on Third Reading

Senator Wilson moved that Senate Rule 30 and the Constitutional Rule requiring resolutions to be read on three several days be suspended and that S. J. R. No. 5 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Creighton	Schwartz
Hall	Sherman
Harrington	Snelson
Herring	Wallace
Hightower	Watson
Jordan	Wilson

Nays—4

Blanchard	Grover
Connally	Harris

Absent—Excused

Word

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—26

Aikin	Brooks
Bates	Christie
Beckworth	Creighton
Bernal	Hall
Bridges	Harrington

Herring	Patman
Hightower	Ratliff
Jordan	Schwartz
Kennard	Sherman
Kothmann	Snelson
Mauzy	Wallace
McKool	Watson
Moore	Wilson

Nays—4

Blanchard	Grover
Connally	Harris

Absent—Excused

Word

Co-Authors of Senate Bill 86

On motion of Senator Hall, and by unanimous consent, Senators McKool, Harris, Mauzy, Patman, Watson, Grover, Beckworth, Harrington, Bernal, Snelson, Bridges and Jordan will be shown as Co-authors of S. B. No. 86.

Executive Session

On motion of Senator Christie and by unanimous consent the Senate agreed to hold an Executive Session at 2:00 o'clock p.m. today.

Accordingly, the President directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nomination of the Governor:

To be District Attorney of the 69th Judicial District until the next General Election and until his successor shall be duly elected and qualified: Michael P. Metcalf, Dumas, Moore County, Texas.

In Legislative Session

The President called the Senate to order as In Legislative Session at 2:22 o'clock p.m.

Memorial Resolutions

S. R. No. 59—By Senator Hightower: Memorial resolution for Specialist Five Vernon Ray Anderson.

S. R. No. 60—By Senator Blanchard: Memorial resolution for Allen "Chuff" Benton.

S. R. No. 62—By Senator Schwartz: Memorial resolution for Earl H. Turner.

S. R. No. 65—By Senator Watson: Memorial resolution for L. K. (Dick) Richards.

S. R. No. 67—By Senator Watson: Memorial resolution for William S. (Bill) Cameron.

S. R. No. 68—By Senator Watson: Memorial resolution for Mrs. Ernest Moore.

Welcome and Congratulatory Resolutions

S. R. No. 61—By Senator Blanchard: Extending welcome to Mr. and Mrs. Morgan Hall.

S. R. No. 63—By Senator Herring: Extending welcome to Mary Young.

S. R. No. 64—By Senator Watson: Extending congratulations to C. L. (Pete) Middlebrook on his retirement.

S. R. No. 66—By Senator Watson: Extending commendation to Dr. Joe Weldon Bailey and members of Columbus Avenue Baptist Church of Waco.

S. R. No. 69—By Senator Wilson: Extending commendation to 15-AAAA All-District Corsicana Tiger team.

S. R. No. 70—By Senator Wilson: Extending commendation to Navy Radioman Third Class Hal Kuykendall.

S. R. No. 71—By Senator Wilson: Extending commendation to Lieutenant Colonel Robert C. Jessup.

S. R. No. 72—By Senator Wilson: Extending congratulations to Kerens Bobcats.

S. R. No. 73—By Senator Wilson: Extending congratulations to Corsicana Tigers.

S. R. No. 74—By Senator Wilson: Extending commendation to Wilton Ben Inman, Jr.

S. R. No. 75—By Senator Wilson: Extending commendation to Mrs. Lena Griffin.

S. R. No. 76—By Senator Wilson: Extending congratulations to 21-A All-District team.

S. R. No. 77—By Senator Wilson: Extending congratulations to W. T. (Doc) La Rue.

S. R. No. 78—By Senator Wilson: Extending commendation to Technical Sergeant Charles Dale Brown.

S. R. No. 79—By Senator Wilson: Extending commendation to B. E. Rea.

S. R. No. 80—By Senator Wilson: Extending congratulations to 1969-70 Class AA State Basketball Champions, Kountze Lions.

S. R. No. 81—By Senator Wilson: Extending congratulations to Diboll Lumberjacks.

S. R. No. 82—By Senator Wilson: Extending congratulations to Jacksonville Indians.

S. R. No. 83—By Senator Wilson: Extending congratulations to Kirbyville Wildcats.

S. R. No. 84—By Senator Wilson: Extending commendation to First Lieutenant Maston L. Gray, Jr.

S. R. No. 85—By Senator Wilson: Extending congratulations to All-Pineywoods 1970 football team.

S. R. No. 86—By Senator Wilson: Extending congratulations to two Stephen F. Austin State College 1970 All-Lone Star Athletes.

S. R. No. 87—By Senator Wilson: Extending congratulations to 20-A All-District Team.

S. R. No. 88—By Senator Wilson: Extending congratulations to Bandmaster Randy Dawson and "Bulldog Band."

S. R. No. 89—By Senator Wilson: Extending congratulations to Miss Sally Horn.

S. R. No. 90—By Senator Wilson: Extending congratulations to Diboll High School, 1970 22-AA Basketball Champions.

S. R. No. 91—By Senator Wilson: Extending congratulations to Ray Herrin.

S. R. No. 92—By Senator Wilson: Extending congratulations to "Coach of Year" Joe Wyatt.

S. R. No. 93—By Senator Wilson: Extending commendation to Lieutenant Robert Morris Bickley.

S. R. No. 94—By Senator Wilson: Extending congratulations to 1970-1971 Quarter-Finalist Jasper Bulldogs.

S. R. No. 95—By Senator Wilson: Extending congratulations to 8-AAA All-District team.

S. R. No. 96—By Senator Watson: Extending welcome to Vernon Walton, et al.

S. R. No. 97—By Senator Hightower: Extending welcome to Henry D. Haynes and Kenneth C. Burns of Tennessee.

S. R. No. 98—By Senator Schwartz: Extending congratulations to Stephen Christensen, National Champion in the National Football League Punt, Pass and Kick Contest.

Adjournment

On motion of Senator Aikin the Senate at 2:25 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

In Memory of Fred Joseph Brown

Senator Brooks offered the following resolution:

(Senate Concurrent Resolution 6)

Whereas, The sudden and untimely loss of Fred Joseph Brown of Deer Park brought great sadness to his family, friends, and all those who knew him; and

Whereas, He was a man of great distinction in his community; at the time of his death he was a counselor at Deer Park High School and a member of the City Council of Deer Park; and

Whereas, Mr. Brown was an outstanding leader who believed in dedication and service to his community; he served as charter president of the Deer Park Jaycees, went on to become state director and vice president of the Texas Jaycees, and then national director of the organization; and

Whereas, He was deeply involved with programs to help young people; he served as chairman of youth and drug abuse education for the state and national Jaycee chapters; he introduced a statewide drug abuse program, working in some 295 cities; he sponsored local drug education programs which were accepted by the national board of directors and later implemented in every state; and, in this same respect, he made speeches and conducted clinics and seminars in 42 cities in the state during the last two years; and

Whereas, It seems impossible that this extraordinary man would have had time for anything else, yet at the same time that he was contributing much in leadership and ability to the city council, teaching night classes at San Jacinto College and working toward his doctorate at the University of Houston he was working on a project to organize drug education teams to talk with high school students and conducting "in-service" drug abuse programs for teachers; and

Whereas, He was graduated from Sul Ross University with a B.S. degree and the University of Houston with an M.Ed.; and

Whereas, The life of this outstanding citizen was exemplary of the finest qualities of citizenship, of great leadership, high character, compassion and the desire to help others; and

Whereas, It is appropriate that the Senate of the 62nd Legislature, the House of Representatives concurring, recognize the exceptional contributions of Fred Joseph Brown to his community and his state; now, therefore, be it

Resolved, That the Senate of the State of Texas, the House of Representatives concurring, pay tribute to the memory of this fine man, Fred Joseph Brown, whose life will remain an inspiration to all; and, be it further

Resolved, That official copies of this Resolution be prepared for members of the family: his wife, Katherine; and three children, Gina, 11, Cheri, 10, and Britton, 1, as an expression of sympathy and in appreciation for the life of Fred Joseph Brown from the Texas Legislature.

BROOKS

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Herring, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Wallace and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Brooks the resolution was adopted by a rising vote of the Senate.